

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

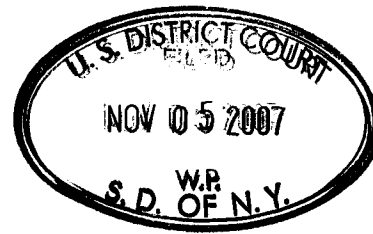
-----X  
ERICK ACEVEDO

**Plaintiff,**

**-against-**

JOHN W. BURGE, Superintendent

**Defendant.**  
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**07 Civ 6995 (CLB)  
JUDGMENT**

Whereas the above entitled action having been assigned to the Honorable Charles L. Brieant, U.S.D.J., and the Court thereafter on November 1, 2007, having handed down an Memorandum and Order (Docket # 9), dismissing the Petition, finding nothing in the record, presented to this Court, that suggests the County Court had reason to believe that Petitioner was in any way incapable of understanding the proceedings, and making a rational decision as to whether he should accept the plea, and the decision of the Appellate Division is not contrary to, nor is it an unreasonable application of, clearly established Federal law and the length of the sentence is within the statute and does not constitute a Constitutional violation, it is,

**ORDERED, ADJUDGED AND DECREED:** that since nothing in the record presented to this Court suggests that the County Court had reason to believe that Petitioner was in any way incapable of understanding the proceedings, and making a rational decision as to whether he should accept the plea, and the decision of the Appellate Division is not contrary to, nor is it an unreasonable application of, clearly established Federal law, and the length of the sentence is within the statute and does not constitute a Constitutional violation, the claims presented are denied for want of merit and the Petition is dismissed, the Court declines to issue a Certificate of Appealability because no issue presented is deserving of Appellate review, however, Petitioner may continue to proceed in forma pauperis, and the case is hereby closed.

**DATED: White Plains, N.Y.  
November 5, 2007**

**J. Michael McMahon  
Clerk Of Court**

**ENTERED AS A JUDGMENT ON: 11/05/07**

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